

Inventor: Frank Poma  
Serial No. 10/064,075  
January 20, 2005

### **REMARKS**

Pursuant to 37 C.F.R. §1.111, reconsideration of the instant application, as amended herewith, is respectfully requested. Entry of the amendment is requested.

Claims 1-33 are presently pending before the Office. Applicant has amended only claim 9. No new matter has been added. Claims 1, 4, 5, 7, 8, 15-19 and 24-33 have been allowed. Claims 2-3, 6, 10-14 and 21-23 have been withdrawn. The rejected claim has been rewritten herein to put the application in condition for allowance. Support for the amendments can be found throughout the specification as originally filed. Applicant is not intending in any manner to narrow the scope of the originally filed claims.

### **§102**

Relying on 35 U.S.C. §102(b), the Examiner has rejected the subject matter of claim 9 as being anticipated by WALLIN. Applicant respectfully traverses the rejection and request reconsideration.

The Examiner has rejected Claim 9 on confusion regarding the basis of the Applicant's arguments. Applicant in fact agrees that WALLIN requires a hooked lower protruding portions (7,8) (Col. 4, l. 5-9) at the bottom support. Alternatively, WALLIN requires a flange (38). However, WALLIN does not teach "straight-ended generally vertical rod members" as is claimed in Claim 9. In fact, WALLIN teaches away from a straight ended member since the hooked coupling is meant to engage reinforcing bars 24. These reinforcing bars are unnecessary in the present invention and would be an impediment to a vertical bar as claimed. Furthermore, a flange as found in WALLIN is not as stable as the rod of the present invention, and any depression made to correspond with the flange would be more difficult to make than the

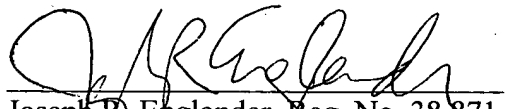
Inventor: Frank Poma  
Serial No. 10/064,075  
January 20, 2005

complementary hole formed for the elongated rod as found in the amended claim in the present invention.

Claim 9 is amended to put the application in condition for allowance. All of the other rejected claims have been withdrawn. It is respectfully submitted that all claims, as amended, are now in condition for allowance. Since the amendments herein merely clarify the language of the specification and the claims, and no additional limitations have been made, no estoppel applies to these amendments.

It is believed that the application is now ready to be passed to issue.

Respectfully submitted,



Joseph R. Englander, Reg. No. 38,871  
Dale Paul DiMaggio, Reg. No. 31,823  
MALIN, HALEY & DiMAGGIO, P.A.  
**Customer No. 22235**  
1936 South Andrews Avenue  
Ft. Lauderdale, Florida 33316  
Phone: (954) 763-3303  
Fax: (954) 522-6507  
E-Mail: INFO@mhdpatents.com

I:\10000\10539\Amend\4801.004 3d amend.doc



Serial Number: 10/064,075

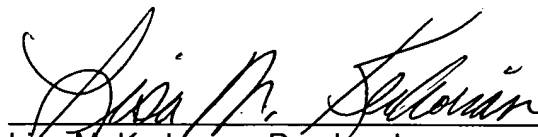
Our File No. 10539.4801

**CERTIFICATE OF EXPRESS MAIL**

I HEREBY CERTIFY that the following correspondence; *Patent Amendment Transmittal Letter and one (1) photocopy of the same; Patent Amendment responsive to the Office Action dated December 3, 2004; and a Return Postcard for confirmation of receipt*, is being deposited with the United States Postal Service as Express Mail No. EV 446569695 US, addressed to: Mail Stop Non-Fee Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on this 24<sup>th</sup> day of January, 2005.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Any additional charges, including extension of time, please bill our Account No. 13-1130.

  
\_\_\_\_\_  
Lisa M. Kerkorian, Paralegal

Date: Monday, January 24, 2005

**Customer No. 22235**  
MALIN, HALEY & DiMAGGIO, P.A.  
1936 South Andrews Avenue  
Fort Lauderdale, Florida 33316  
(954) 763-3303